

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

**STATEMENT PURSUANT TO RULE G  
OF THE SUPPLEMENTAL RULES  
FOR CERTAIN ADMIRALTY AND  
MARITIME CLAIMS**

- v -

Docket No. 08 Civ. 10336

\$75,480.00 IN UNITED STATES  
CURRENCY,

**Hon. Shira A. Scheindlin (J.)**

Defendant-in-rem.

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**ANDY MOSQUEA**, hereinafter called Claimant, being duly sworn, deposes and says:

1. I submit this Statement Pursuant to Rule G of Supplemental Rules for Certain Admiralty and Maritime Claims.

2. Claimant has an interest in the defendant funds as owner and/or possessor of the property.

3. The aforesaid property should be returned to Claimant because the property was not and is not subject to seizure or forfeiture pursuant to 18 U.S.C. 981, 18 U.S.C. 1956, 21 U.S.C. 881, or any other statute or regulation of the United States. Claimant would further show that the funds are legitimate in source and purpose. Claimant would further show that, to his knowledge, the funds are not connected to any criminal activity and that any forfeiture would be grossly disproportionate to any alleged illicit activity under the Eighth Amendment to the Constitution. Further, the property

must be returned because plaintiff failed to commence this action within the required time period. Further, the property must be returned because plaintiff failed to provide Claimant with proper notice of this forfeiture proceeding. Finally, all assets seized by the NYPD must be returned as the basis for the initial entry, search and seizure was in violation of the New York and Federal Constitutions.

4. This statement and claim is made in good faith and is not frivolous.

5. This statement and claim has been made within the time proscribed by law.

**WHEREFORE**, Claimant herein demands the immediate return of said funds and/or its release from seizure.

*Andy Mosquea*

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ANDY MOSQUEA

Sworn to before me this  
16<sup>th</sup> day of December, 2008.

/ s /

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Notary Public

VERIFICATION

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF NEW YORK                )

I, **ANDY MOSQUEA**, declare under penalty of perjury that the statements set forth in the attached Statement are true and correct to the best of my knowledge, information and belief.

*Andy Mosquea*

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**ANDY MOSQUEA**

Sworn to before me this  
16<sup>th</sup> day of December, 2008.

/ s /

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Notary Public

CERTIFICATE OF SERVICE

This is to certify that, on January 5, 2009, a true and correct copy of the foregoing Claimant's Statement Pursuant to Rule G was mailed, postage prepaid, by depositing a true copy thereof in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to

Jeff Alberts  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, N.Y. 10007

*Steven L. Kessler*

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STEVEN L. KESSLER

Dated: New York, New York  
January 5, 2009